

REMARKS

The Examiner's Action mailed on June 11, 2007 has been received and its contents carefully considered.

In this Amendment, Applicants have amended the specification and claims 1-22 only for clarifying purposes, in response to the Examiner's rejection of lacking written description, and to correct informalities noted during the review. Claims 1 and 10 are the independent claims. Claims 1-22 are now pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Claim 10 has been rejected as failing to comply with the written description requirement. Because the objectionable subject matter has been removed from this claim, this rejection has been rendered moot.

Claims 1-2, 4 and 6-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kim et al.* (EP 0977414) in view of *Mizuta et al.* (7,158,816). The rejection is respectfully traversed.

Applicant's amended independent claim 1 recites a portable electronic communication device comprising: a base having a front surface, a cover, and a receiver. The cover is mounted to the base in such a way that the cover can be folded upon, unfolded from, and turned around the base. The cover has a compartment, a front surface, and a rear surface. The front surface of the cover has a plurality of first apertures, and the rear surface of the cover has a plurality of second apertures. The compartment communicates with the outside of the cover through the first apertures and the second apertures. The receiver is disposed in the compartment between the first apertures and the second apertures. Sound **generated by the receiver** is transmitted through

the second apertures when the cover is folded upon the base so that the front surface of the cover rests against the front surface of the base. Sound **generated by the receiver** is transmitted through the first apertures when the cover is turned around and then folded upon the base so that the rear surface of the cover rests against the front surface of the base.

First, applicants' invention specifies that the cover can be **folded in two ways**, a first way of which is that the front surface of the cover rests against the front surface of the base and a second way of which is that the rear surface of the cover rests against the front surface of the base. Second, applicants' invention specifies that sound **generated by the identical receiver** can be transmitted through the second apertures when the cover is folded in the first way and can be transmitted through the first apertures when the cover is folded in the second way.

In contrast, *Kim et al.* disclose a foldable mobile telephone terminal including a body 100, a flip 102, a hinge device 112, a first speaker 118 and a second speaker 124. The first speaker 118 and the second speaker 124 are respectively installed at the front and rear sides of the flip 120, with a partition 128 intervening therebetween. The user can talk through the first speaker 118 in the situation where the flip 102 is closed and talk through the second speaker 124 in the situation where the flip 102 is opened. (Paragraph [0017]; and FIGS. 1-3)

Kim et al. fail to disclose or suggest that sound **generated by the receiver** is transmitted through the second apertures when the cover is folded upon the base so that the front surface of the cover rests against the front surface of the base and that sound **generated by the same receiver** is transmitted through the first apertures when the cover is turned around and then folded upon the base so that the rear surface of the cover rests against the front surface of the base, as recited in claim 1. Instead, as is clear from FIGS. 1-2 of *Kim et al.*, only the rear side of

the flip 102 can be rest against the body 100 in the situation where the flip 102 is closed. Most significantly, as is apparent from FIG. 3 of *Kim et al.*, the second speaker 124, relied on by the Examiner as being the receiver, transmits sound only through the rear side but not through the front side of the flip 102, and the first speaker 118, alternatively relied on by the Examiner as being the receiver, transmits sound only through the front side but not through the rear side of the flip 102. That is, the sound transmitted through the rear side of the flip 102 and the sound transmitted through the front side of the flip 102 are not generated by an identical receiver.

The Examiner acknowledges that *Kim et al.* fail to disclose that sound generated by the receiver is transmitted through the first apertures when the cover is turned around and then folded upon the base so that the rear surface of the cover rests against the front surface of the base, and points to col. 3, line 66 to col. 4, line 7 of *Mizuta et al.* as teaching the speaker 203 projects voice/sound to the outside. In response, it is respectfully submitted that the secondary reference by *Mizuta et al.* fails to overcome the above deficiencies of *Kim et al.* as explained below.

The cited secondary reference by *Mizuta et al.* disclose a mobile telephone 500 including a lower-side body unit 100, an upper-side body unit 200, a display portion 202, and a speaker 203. The speaker 203 for uttering voices is provided at the end portion in the vicinity of the display portion 202 on the folded surface of the upper-side body unit 200 with respect to the lower-side body unit 100. (Col. 5, lines 9-17) The upper-side body unit 200 can be rotated from the open state shown in FIG. 2 to a midway state shown in FIG. 3 and then to a folded and superimposed state shown in FIG. 4.

However, even if one were to apply *Mizuta's* positioning of the cover to *Kim's* foldable device in the manner suggested by the Examiner, it would still require two receivers (the second

speaker 124 and first speaker 118) to transmit sound through the rear side and front side of the flip 102 respectively. That is, even if the front side of the flip 120 by *Kim et al.* were to rest against the body 100 by applying *Mizuta's* positioning of the cover, the sound transmitted through the rear side of the flip 102 would be generated by the second speaker 124 rather than the first speaker 118 which generates sound for being transmitted through the front side of the flip 102 when the rear side is rest against the body 100. Thus, even if the teachings of *Kim et al.* and *Mizuta et al.* were combined, the combination would not result in the claimed invention.

As such, the claimed structure is not disclosed or suggested by *Kim et al.*, either alone or in combination with *Mizuta et al.* It is submitted that Applicant's independent claim 1, as well as the claims 2, 4 and 6-11 dependent therefrom, are not rendered obvious by the cited references. It is therefore submitted that this rejection should be withdrawn.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Mizuta et al.* and further in view of *Hwang* (US Patent No. 7103393). However, the reference by *Hwang* fail to overcome the deficiencies of *Kim et al.* and *Mizuta et al.* as applied to claim 1 above. Therefore, it is submitted that claim 3 is patentable over the cited references for at least the reasons advanced above as to the patentability of independent claim 1. Therefore, the rejection should be withdrawn.

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Mizuta et al.* and further in view of *Tyneski et al.* (US Patent No. 5584054). However, *Tyneski et al.* fail to overcome the above deficiencies of *Kim et al.* and *Mizuta et al.* as applied to claim 1 above. Therefore, it is submitted that claim 5 is patentable over the cited references for at least the reasons advanced above as to the patentability of independent claim 1.

Claims 10-11, 13-14 and 19-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Mizuta et al.* and further in view of *D'Souza*. (EP 001091539). Independent claim 10 includes limitations similar to those of claim 1. It therefore is submitted that the amended independent claim 10, as well as its dependent claims 11, 13-14 and 19-20, are patentable over the applied references for at least the same reasons that the independent claim 1 is patentable. As such, the rejection should be withdrawn.

Claim 21 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Mizuta et al.* and *D'Souza*., and further in view of *Tyneski et al.* (US 5584054). However, *Tyneski et al.* fail to overcome the above deficiencies of *Kim et al.*, *Mizuta et al.* and *D'Souza*. Therefore, it is submitted that claim 21 is patentable over the cited references for at least the reasons advanced above as to the patentability of independent claim 10. As such, the rejection should be withdrawn.

Claims 12 and 15-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Mizuta et al.* and *D'Souza*., and further in view of *Hwang*. However, *Hwang* fails to overcome the above deficiencies of *Kim et al.*, *Mizuta et al.* and *D'Souza*. Therefore, it is submitted that claims 12 and 15-18 are patentable over the cited references for at least the reasons advanced above as to the patentability of amended independent claim 10. As such, the rejection should be withdrawn.

Claim 22 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Kim et al.* in view of *Mizuta et al.* and *D'Souza*., and further in view of *Hageltorn et al.* (US Patent No. 6006117). However, *Hageltorn et al.* fail to overcome the above deficiencies of *Kim et al.*, *Mizuta et al.* and *D'Souza*. Therefore, it is submitted that claim 22 is patentable over the cited

references for at least the reasons advanced above as to the patentability of amended independent claim 10. Therefore, the rejection should be withdrawn.

Based on the above, it is submitted that the application is in condition for allowance and such a Notice, with allowed claims 1-22 earnestly is solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Should any fee be required, the Director is hereby authorized to charge the fee to our Deposit Account No. 18-0002.

Respectfully submitted,



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August 13, 2007
Date

RHB/vm

AMENDMENT

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